



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,394	04/09/2004	Anders Landin	5181-95101	1590
58467	7590	04/06/2009	EXAMINER	
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			PATEL, KAUSHIKKUMAR M	
			ART UNIT	PAPER NUMBER
			2188	
			MAIL DATE	
			04/06/2009	DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,394	LANDIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kaushikkumar Patel	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 February 2009.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 and 44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 and 44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to applicant's communication filed February 02, 2009 in response to PTO Office Action mailed October 31, 2008. The applicant's remarks and amendments to the claims and/or specification were considered with the results that follow.
2. In response to last Office Action, no claims have been amended. Claims 31-43 have been canceled. No claims have been added. As a result, claims 1-30 and 44 remain pending in this application.

### ***Terminal Disclaimer***

3. The terminal disclaimer filed on February 02, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending patent application 10/821,372 has been reviewed and is NOT accepted.
4. According to MPEP rule 37 CFR § 1.32 (c) (3): Ten or fewer patent practitioners, stating the name and registration number of each patent practitioner. Except as provided in paragraph (c)(1) or (c)(2) of this section, the Office will not recognize more than ten patent practitioners as being of record in an application or patent. If a power of attorney names more than ten patent practitioners, such power of attorney must be accompanied by a separate paper indicating which ten patent practitioners named in the

Art Unit: 2188

power of attorney are to be recognized by the Office as being of record in the application or patent to which the power of attorney is directed.

Thus, the terminal disclaimer is not approved and the double patenting rejection of the claims is maintained.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/821372. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

App. No. 10/821,394	App. No. 10/821,372
<p>Claim 1. A system, comprising:</p> <p>a node including one or more active devices, an interface, and an address network configured to transmit address packets between the one or more active devices and the interface; and</p> <p>an additional node coupled to the node by an inter-node network, wherein the additional node includes an additional address network;</p> <p>wherein a given active device having an ownership responsibility for a coherency unit is configured to respond to certain access right requests;</p> <p>wherein in response to receiving from the additional node via the inter-node network, a coherency message requesting an access right to a coherency unit, the interface is configured to send a</p>	<p>Claim 1. A system, comprising:</p> <p>a node including an active device, and an interface interconnected by an address network and a data network that is separate from the address network;</p> <p>an additional node coupled to send a coherency message to the interface via an inter-node network, wherein the coherency message requests an access right to a coherency unit;</p> <p>wherein in response to the coherency the interface is configured to send a first type of address packet on the address network if a global access state of the coherency unit in the node is a</p>

<p>first type of address packet on the address network if a global access state of the coherency unit in the node is a modified state and to send a second type of address packet on the address network if the global access state of the coherency unit in the node is not the modified state; and</p> <p>wherein if the given active device has an ownership responsibility for the coherency unit, the given active device is configured to ignore the second type of address packet and to respond to the first type of address packet.</p> <p>Claim 6. The system of claim 3, wherein the node includes a memory subsystem configured to send data corresponding to the coherency unit to the interface in response to the proxy read-to-share packet.</p>	<p>modified state and to send a second type of address packet on the address network if the global access state of the coherency unit in the node is not the modified state;</p> <p>wherein in response to the second type of packet, the system memory is configured to send a data packet corresponding to the coherency unit on the data network, regardless of whether the system memory has an ownership responsibility for the coherency unit.</p>
--	--

It is entirely clear from above comparison that the claims in App. No. 10/821,372 expressly fails to teach, the active device ignores the second type of address packet, however it is entirely clear to one having ordinary skill in the art at the time of the invention that as claimed in claim 1 of App. No. 10/821,372 the memory is configured to send a data packet corresponding to the second type of address packet, and as claimed in claim 6 of present application, the active device ignores the second type of packet and the memory system responds by sending the data, where it can be inferred in the claim 1 of 10/821,372 that since memory is responding, the active device ignores the second type of the packet.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaushikkumar Patel whose telephone number is (571)272-5536. The examiner can normally be reached on 7.30 am - 4.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2188  
04/03/09

Kaushikkumar Patel  
Examiner  
Art Unit 2188

/kmp/

Application/Control Number: 10/821,394

Art Unit: 2188

Page 8